



**CITY COUNCIL
ATLANTA, GEORGIA**

**A RESOLUTION
BY COMMITTEE ON COUNCIL**

00-R-1211

**A RESOLUTION CORRECTING A
RESOLUTION 00-R-1060, ADOPTED BY CITY
COUNCIL ON JULY 17, 2000, SO AS TO
CORRECT A TYPOGRAPHICAL ERROR; AND
FOR OTHER PURPOSES.**

WHEREAS, the City Council adopted a Resolution 00-R-1060 on July 17, 2000, and it was approved per Section 2-403 of the Charter on July 26, 2000; and

WHEREAS, said Resolution authorized the City Attorney to settle the case of *John P. Nesbitt, Jr. and Andrew Joseph Martin v. Officer Wingo, Officer Dawkins, Chief Harvard and the City of Atlanta, Georgia*, USDC Civil Action File No. 1:96-CV-1038-CAM, for the sum of \$35,000.00; and

WHEREAS, said resolution has a typographical error in the second section; and

WHEREAS, conclusion of the above-referenced civil action requires correction of that error; and

WHEREAS, this correction does not increase the City's expenditure in the settlement of this case.

The City Council of the City of Atlanta, Georgia hereby resolves that the Second Resolved clause in 00-R-1060 be deleted in its entirety and that the following language be inserted in lieu thereof:

SECTION 2. The Chief Financial Officer is authorized to pay a total sum of \$35,000 to John P. Nesbitt, Jr., Andrew Joseph Martin, and their attorney in this case, Thomas E. Maddox, Jr., from Fund Account Center No. 1A101-529017-T31001.

Be it further resolved by the City Council of the City of Atlanta, Georgia that all other provisions of Resolution 00-R-1060 remain in full force and effect.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

AUG 07, 2000

AUG 16, 2000



A RESOLUTION
BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

00- R -1060

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS RESULTING FROM THE CASE OF JOHN P. NESBITT, JR. and ANDREW JOSEPH MARTIN V. J.G. WINGO, B.S. DAWKINS, BEVERLY HARVARD AND THE CITY OF ATLANTA, PENDING IN THE U.S.D.C., CIVIL ACTION FILE NO. 1:96-CV-1038-CAM, FOR \$35,000; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, John P. Nesbitt, Jr., and Andrew Joseph Martin v. Officer Wingo, Officer Dawkins, Chief Harvard and the City of Atlanta, Georgia pending in the United States District Court for the Northern District of Georgia, Atlanta Division, Civil Action File No. 1:96-CV-1038-CAM, arises from arrests effected on May 15, 1994 at the Midtown Music Festival; and

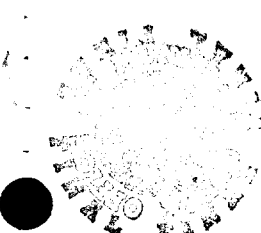
WHEREAS, the Plaintiffs allege that their constitutional rights were violated during the course of said arrests; and

WHEREAS, the Plaintiffs and their counsel have agreed to accept \$35,000 in settlement of all claims against the City of Atlanta, its officers and employees;

WHEREAS, the City Attorney has done an extensive review of the facts and law and has determined that the City's potential financial exposure is far in excess of the settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to resolve this matter and recommends that the City pay the amount of \$35,000 to settle all claims,

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:



SECTION 1. The City Attorney is hereby authorized to settle the case of John P. Nesbitt, Jr. and Andrew Joseph Martin v. Officer Wingo, Officer Dawkins, Chief Harvard and the City of Atlanta, Georgia, for the sum of Thirty Five Thousand Dollars (\$35,000.00).

SECTION 2. The Chief Financial Officer is authorized to pay a total sum of \$35,000 to John P. Nesbitt, Jr., Andrew Joseph Martin, and their attorney, Jeffrey J. Dean, in this case, from Account No. 1A101-529017-T31001.

RCS# 2159
8/07/00
4:20 PM

Atlanta City Council

Regular Session

00-R-1211 Correcting 00-R-1060; adopted 07/17/00
 so as to correct typographical error
 Adopt

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	B Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

00-R-1211

00-1211

(Do Not Write Above This Line)

A RESOLUTION
BY COMMITTEE ON COUNCIL

A RESOLUTION CORRECTING A RESOLUTION
00-Q-1060, ADOPTED BY CITY COUNCIL ON
JULY 17, 2000, SO AS TO CORRECT A
TYPOGRAPHICAL ERROR; AND FOR OTHER
PURPOSES.

ADOPTED BY
AUG 0 7 2000
COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee COC	Committee
Date 8/7/00	Date
Chair Mable Thorne	Chair
Action: (Fav) Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members Bill [Signature] C. J. [Signature] William G. [Signature] Debra [Signature] C. [Signature] Clay [Signature]	Members
	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
	Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
- Readings
- ☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
AUG 7 2000
ATLANTA CITY COUNCIL PRESIDENT
Randy A. Parker

CERTIFIED
AUG 0 7 2000
Randy A. Parker
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

AUG 16 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW